

REMARKS

Claims 52, 54, 55, 58-102, 104, 106, 108, and 110-136 are pending in this application. By this Amendment, claims 52, 58, and 59 are amended, claims 56 and 57 are canceled, and claim 136 is added. Claims 54, 55, 62-102, 104, 106, 108, and 110-135 are withdrawn from consideration as being directed to non-elected inventions.

I. Rejection of Claims under 35 U.S.C. §102 and §103

A. Claims 52, 56, 60, and 61 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hasegawa (USPN 5,876,518).

While not conceding the appropriateness of the rejection, but merely to advance prosecution of the instant application, claims 56 and 57 are canceled and independent claim 52 is amended to delineate:

A rare-earth magnet comprising a magnet body containing a rare-earth element and Fe, and a protective layer formed on a surface of the magnet body; wherein

the protective layer contains oxygen and an element derived from the magnet body, and

the protective layer has a first layer covering the magnet body and containing a rare-earth element, Fe, and oxygen, and a second layer covering the first layer and containing substantially no rare-earth element and containing Fe and oxygen.

Thus, claim 52 incorporates the features of claims 56 and 57, and the "transition element" is limited to "Fe." This subject matter is supported by, for example, paragraph [0192] of Applicants' application.

The rare-earth magnet delineated in 52 has the protective layer having the first layer containing the rare-earth element, Fe, and oxygen (O), and the second layer containing substantially no rare-earth element and containing Fe and oxygen (O).

On the other hand, Hasegawa teaches a R-T-B-based, permanent magnet having the crystal grains (main phase) 2, the rare earth element-rich layer 14, and the corrosion-resistant

film layer 1. However, in Hasegawa, it is described that the "corrosion-resistant film layer" is made of Zn, Cr, Ni, Cu, Sn, Pb, Cd, Ti, W, Co, Al, Ta, C, P, S, N, O, etc. (see col. 7, lines 44-56). This "corrosion-resistant film layer" in Hasegawa **never contains Fe**. Therefore, it is very difficult to replace/modify such "corrosion-resistant film layer" in Hasegawa so as to result in a "second layer" containing Fe, as delineated in claim 52.

Neither Yamamoto nor Tokuhara remedy the deficiencies of Hasegawa. In this regard, Yamamoto teaches a R-Fe-B magnet, but Yamamoto does not teach the protective layer formed on a surface of the magnet body. Therefore, the "protective layer" having the specific first and second layers delineated in claim 52 is not disclosed in or rendered obvious by Hasegawa and Yamamoto.

Further, Tokuhara teaches a rare earth magnet wherein the surface of the magnet body is covered by a Fe oxide, but the Fe oxide covering the magnet body does not contain a rare-earth element. Thus, Tokuhara does not disclose or render obvious the "first layer" delineated in claim 52. Accordingly, the specific structure that the second layer (containing Fe and O) is formed on the first layer (containing rare-earth element, Fe, and O) is not disclosed in or rendered obvious by Hasegawa, Yamamoto, and Tokuhara, considered alone or in combination.

In view of the above, it is clear that the rare-earth magnet having the specific first and second layers delineated in claim 1 is not disclosed in or render obvious by Hasegawa, Yamamoto, and Tokuhara, considered alone or in combination.

Further, because the rare-earth magnet delineated in claim 1 has the first and second layers, both containing Fe, which is derived from the magnet body, the protective layer composed of the first and second layers can show excellent adhesive property to the magnet body. Hasegawa, Yamamoto, and Tokuhara, considered alone or in combination, do not disclose such effect at all. Therefore, from a viewpoint of such specific effect, the invention

delineated in claim 1 does not easily result from Hasegawa, Yamamoto, and Tokuhara, considered alone or in combination.

In view of the above, independent claim 52 is patentable over Hasegawa, Yamamoto, and Tokuhara, considered alone or in combination. Because claims 60 and 61 depend from independent claim 52, they are patentable over Hasegawa, Yamamoto, and Tokuhara for at least the reason(s) discussed above, as well as for the additional features they recite. Therefore, reconsideration of the rejection and allowance of claims 52, 60, and 61 are respectfully solicited.

B. Claims 57-59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, as applied to claim 52, in view of Yamamoto (US 2002/0007875).

The rejection is moot as to canceled claim 57.

As noted above, Yamamoto and Tokuhara do not remedy the deficiencies of Hasegawa. Because claims 58 and 59 depend from independent claim 52, they are patentable over Hasegawa, Yamamoto, and Tokuhara for at least the reason(s) discussed above, as well as for the additional features they recite. Therefore, reconsideration of the rejection and allowance of claims 58 and 59 are respectfully solicited.

C. Claims 52, 56, 60, and 61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa in view of Tokuhara (JP 4328804).

The rejection is moot as to canceled claim 56.

As note above, Yamamoto and Tokuhara do not remedy the deficiencies of Hasegawa. Therefore, claim 52 is patentable over Hasegawa, Yamamoto, and Tokuhara, considered alone or in combination.

Because claims 60 and 61 depend from independent claim 52, they are patentable over Hasegawa, Yamamoto, and Tokuhara for at least the reason(s) discussed above, as well as for

the additional features they recite. Therefore, reconsideration of the rejection and allowance of claims 52, 60, and 61 are again respectfully solicited.

D. Claims 57-59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa in view of Tokuhara, as applied to claim 52, and further in view of Yamamoto.

The rejection is moot as to canceled claim 57.

As noted above, Yamamoto and Tokuhara do not remedy the deficiencies of Hasegawa. Because claims 58 and 59 depend from independent claim 52, they are patentable over Hasegawa, Yamamoto, and Tokuhara for at least the reason(s) discussed above, as well as for the additional features they recite. Therefore, reconsideration of the rejection and allowance of claims 58 and 59 are again respectfully solicited.

II. New claim

New claim 136 is added. Claim 136 depends from claim 52 and delineates that "the first layer contains Nd, Fe, and O as main components."

Because claim 136 depends from independent claim 52, it is patentable over Hasegawa and Tokuhara for at least the reason(s) discussed above, as well as for the additional feature(s) it recites. Therefore, the allowance of claim 136 is respectfully solicited.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Request for Continued Examination

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